



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

AUG 18 2015

Dennis M. Krause, Environmental Health and Safety Director
Reynolds Consumer Products, LLC
2001 Reymet Road
Richmond, VA 23237

**Re: Notice of Violation
Compliance Evaluation Inspection
July 16, 2014
EPA ID No. – VAD065378515**

Docket Number: R3-15-NOV-RCRA-034

Dear Mr. Krause,

On July 16, 2014, the U.S. Environmental Protection Agency, Region III ("EPA" or "Agency") conducted a Compliance Evaluation Inspection ("CEI") under the Virginia Hazardous Waste Management Regulations ("VAHWMR") 9 VAC 20-60 and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. of your facility. Based on the inspection and/or review of pertinent information, EPA has determined that Reynolds Consumer Products, LLC ("Reynolds" or the "Facility") is in violation of regulations promulgated under VAHWMR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**. The specific violations are as follows:

1. The inspector observed two 55-gallon drums containing solvent contaminated rags (See Photo #5 and Photo #7). At the time of the inspection, these drums were not closed, not properly labeled, and there was no indication that the rags had not been stored there for greater than 180 days. According to 9 VAC 20-60-261 [40 CFR 261.4(a)(26)], in order for solvent contaminated wipes to be exempt from the definition of solid waste, they must be stored in a closed container that is labeled "Excluded Solvent Contaminated Wipes," and that can contain any free liquid coming off of the wipes. The Facility must also maintain proof that the solvent contaminated

wipes are not being stored for greater than 180 days (i.e. include a start accumulation date on the drum).

2. The inspector observed a 55-gallon drum (See Photo #6) located within the Facility's Washroom that was being used as a Satellite Accumulation container. At the time of the inspection, this Satellite Accumulation container was being utilized to contain hazardous waste generated in the Washroom and in the Facility's Cylinder Prep Area. According to 9 VAC 20-60-262 [40 CFR 262.34(c)(1)], Satellite Accumulation Area containers must be at or near the hazardous waste point of generation at all times. A single Satellite Accumulation container cannot be used to collect hazardous waste that is being generated in two different areas of the Facility.
3. The inspector observed an open and unlabeled box of aerosol cans located on top of a 55-gallon drum (See Photo #10) and was informed by a Facility representative that the aerosol cans were empty. These cans had not been punctured. The Facility failed to make a proper waste determination on these aerosol cans. According to 9 VAC 20-60-262 [40 CFR 262.11], any Facility generating solid waste is required to make hazardous waste determinations. As defined in 9 VAC 20-60-261 [40 CFR 261 Subpart C], aerosol cans can be D001 or D003 and must be managed as such.

Two Areas of Concern were documented by the inspector while conducting the CEI at Reynolds. At the time of the inspection, there were two 55-gallon Satellite Accumulation drums being used to collect ink waste within the Facility's Ink Room. As per 9 VAC 20-60-264 [40 CFR 264.34(c)(1)], please ensure that any satellite waste that exceeds 55 gallons is marked with a start accumulation date.

Also, the inspector documented that there were multiple Land Disposal Restriction ("LDR") forms that did not include a corresponding signature and date as well as a manifest that was not accompanied by an LDR form. Please note that an LDR Notification is only required to be submitted, signed, and kept for the first time a particular waste stream is sent off site.

A copy of the Inspection Report, documenting the findings of the inspector, is enclosed for your information.

Based on these violations, EPA is requesting that **within 20 days from receipt of this NOV** a representative from Reynolds provides a response addressing the violations documented in this NOV. Please provide any necessary documentation, including photos, to demonstrate that Reynolds Consumer Products, LLC is now meeting regulatory requirements.


Section 3008(a) of RCRA authorizes the EPA to take an enforcement action whenever it is determined that any person had violated or is in violation of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In

addition, failure to achieve and maintain compliance with the regulations cited in the NOV may be treated as a repeated offense and can constitute a "knowing" violation of Federal Law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights of defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of an EPA enforcement action. EPA has not made a determination as to whether or not Reynolds is covered by SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Rebecca Serfass
U.S. Environmental Protection Agency – Region III
RCRA Office of Land Enforcement (3LC70)
1650 Arch Street
Philadelphia, PA 19103
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(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date *Aug 18, 2015*

Enclosure

cc: M. Gross, PADEP, w/o enc.
P. Belgiovane, 3LC70, w/o enc.
R. Serfass, 3LC70, w/o enc.